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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHRISTINE ADAKAI,

Plaintiff,

v.

WAL-MART STORES, INC.; DOES I through
X; and ROE ENTITIES I through X,

Defendants.

Case No.: 2:11-cv-00091-RCJ-LRL

**STIPULATION TO DISMISS WITH
PREJUDICE PLAINTIFF'S PUNITIVE
DAMAGES CLAIM AND TO REMAND
THIS MATTER TO NEVADA STATE
COURT**

COME NOW, Plaintiff CHRISTINE ADAKAI, by and through her attorney of record, DAVID A. TANNER, ESQ. of the TANNER LAW FIRM, and Defendant WAL-MART STORES, INC., by and through its attorney of record, JOHN P. JIMENEZ, ESQ. of PHILLIPS, SPALLAS & ANGSTADT LLC, and, stipulate that Plaintiff's claim for "punitive and/or exemplary damages," as claimed in Paragraphs 15 and 22 of Plaintiff's Complaint, on file herein, be dismissed with prejudice. Moreover, presuming that Plaintiff's punitive damages claims are dismissed with prejudice, this Court would lack jurisdiction over this matter pursuant to 28 U.S.C. §1332(a).

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Therefore, the parties hereby stipulate, and respectfully request that this Court order, that this matter be **remanded** to Nevada state court.

TANNER LAW FIRM

PHILLIPS, SPALLAS & ANGSTADT, LLC

DATED this 22nd day of February, 2011.

DATED this 22nd day of February, 2011.

TANNER LAW FIRM

PHILIPS, SPALLAS & ANGSTADT LLC

/s/ David A. Tanner

/s/ John P. Jimenez

David A. Tanner, Esq.
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Christine Adakai

John P. Jimenez, Esq.
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Attorneys for Defendant
Wal-Mart Stores, Inc.

ORDER

IT IS SO ORDERED, as stipulated by the parties, that Plaintiff Christine Adakai's claims for "punitive and/or exemplary damages," as claimed in Paragraphs 15 and 22 of Plaintiff's Complaint, on file herein, are hereby **DISMISSED WITH PREJUDICE**.

Moreover, it is hereby ordered as stipulated by the parties, that this matter is **REMANDED** to Nevada state court.

DATED on this 25th day of February, 2011.


UNITED STATES MAGISTRATE JUDGE